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OFFICE OF PETITIONS

In re Application of :
Ming-Fu Kuo :
Application No. 10/700,493 :
Filed: November 5, 2003 :
Attorney Docket No. 3226/22 :

ON PETITION

This is a decision on the Request For Reconsideration, filed June 5, 2007, under 37 CFR 1.181(a) to Withdraw Holding of Abandonment.

The petition under 37 CFR 1.181(a) is **GRANTED**.

The application was held abandoned for failure to timely pay the issue and publication fees in reply to the Notice of Allowance (Notice) mailed March 23, 2005.

Petitioner asserts that the failure to timely reply was due to nonreceipt of the Notice mailed March 23, 2005.

Applicant filed a petition to withdraw the holding of abandonment on March 29, 2006, which was dismissed in a Decision mailed October 25, 2006. Applicant also filed a Request for Reconsideration on November 29, 2006, which was dismissed in a Decision mailed April 5, 2007, for failing to meet the requirements of a grantable petition under 37 CFR 1.181.

With the instant petition, Applicant has demonstrated the timely filing of a Change of Correspondence Address; however, the Notice of Allowance/Notice of Allowability was inadvertently mailed to an incorrect correspondence address.

Where an Office action is returned as undeliverable, the Office must make an attempt to ascertain the correct address and re-mail the Office action, with the period being reset with the date of re-mailing. Note In re Gourtoff, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924). There is no evidence in the file record that the Office ever attempted to ascertain the correct address and re-mail the Notice, which is contrary to the Office's own procedures. See MPEP 707.13.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee is required and none has been charged.

Since the issue and publication fees were paid on March 29, 2006, the application is being referred to the Office of Data Management to be processed into a patent.

Application No. 10/700,493

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Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.



Karen Creasy
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Office of Petitions